

STATE OF INDIANA )  
 ) SS:  
COUNTY OF BOONE )

IN THE BOONE CIRCUIT COURT  
CAUSE NO. 06c01-0702-PL-0107

STATE OF INDIANA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
DAVID F. ROBBINS, JR., and )  
individually and doing business as )  
CROSSROADS-MUSIC.ORG. )  
 )  
Defendant. )

**FILED**  
SEP 18 2007  
*Clayton L. Rogers*  
CLERK BOONE COUNTY CIRCUIT COURT

### **DEFAULT JUDGMENT**

The Plaintiff, State of Indiana, having filed its Motion for Default Judgment and the Court having read the same and being duly advised in the premises, now finds:

1. The Court has subject matter jurisdiction and personal jurisdiction over the Defendant, David F. Robbins, Jr.
2. The Defendant was served with notice of these proceedings, a copy of the Plaintiff's Complaint for Injunction, Restitution, Costs, and Civil Penalties, and written notice of the Plaintiff's application for Default Judgment.
3. The Defendant was also served with a copy of the Plaintiff's First Amended Complaint for Injunction, Restitution, Costs, and Civil Penalties.
4. The Defendant has failed to plead, or otherwise respond to the complaint.
5. The Defendant, David F. Robbins, Jr., is not known to be an infant, incompetent, or in military service.

6. A Pre-Trial Conference was held in this matter on July 18, 2007 at 11:45 a.m. and despite being served with notice of this hearing at his last known address, the Defendant failed to appear at the Pre-Trial Conference. Pursuant to Trial Rule 16(K) of the Indiana Rules of Trial Procedure, entry of a Default Judgment against the Defendant is an appropriate sanction for the Defendant's failure to appear.

**THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED** the Motion for Default Judgment is **GRANTED** in favor of the Plaintiff, State of Indiana, and against the Defendant, David F. Robbins, Jr., and the Defendant's agents, representatives, employees, successors and assigns are permanently enjoined from engaging in the following conduct in violation of Ind. Code § 24-5-0.5-1, *et seq.*:

- a. Representing, expressly or by implication, the subject of a consumer transaction has sponsorship, approval, characteristics, accessories, uses, or benefits it does not have which the Defendant knows or reasonably should know it does not have;
- b. Representing, expressly or by implication, the Defendant is able to deliver or complete the subject of a consumer transaction within a reasonable period of time, when the Defendant knows or reasonably should know he cannot; and
- c. Representing, expressly or by implication, the consumers will be able to purchase the subject of a consumer transaction as advertised by the Defendant, if the Defendant does not intend to sell it.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Court that Judgment is granted in favor of the Plaintiff, State of Indiana, and against the Defendant, David F. Robbins, Jr., as follows:

- a. The unlawful contracts previously entered into by the Defendant with consumers Alexander Aldrich, Jared Knowlton, Keith Schneider, Izumi Izuta, Donald Tatlock, Anthony Pensule, Gabriel Perez, Darryll Collins, Christine Fromenteau, Cliff Oliver, Mary Lou Bell, Kathy Visentin, Julie Moore, Louise A. Runge, William Lawson, Robert Shobe, Alan A. Foster, Joseph Adams, Phil Bailey, Steve DeVries, Gerald Hickey, and Rudy Raynes are hereby cancelled pursuant to Ind. Code § 24-5-0.5-4(d).
- b. The Defendant shall pay consumer restitution, pursuant to Ind. Code § 24-5-0.5-4(c)(2), in the total amount of Three Thousand Eight Hundred Forty-Seven Dollars and Forty-Four Cents (\$3,847.44), payable to the Office of the Attorney General for allocation and distribution to the following consumers in the following amounts:

1.	Alexander Aldrich of San Francisco, California	\$ 255.00;
2.	Jared Knowlton of Farmington, Utah	\$ 31.95;
3.	Keith Schneider of Milwaukee, Wisconsin	\$ 299.89;
4.	Izumi Izuta of Tokyo, Japan	\$ 299.94;
5.	Donald Tatlock of Seymour, Indiana	\$ 371.90;
6.	Anthony Pensule of Lewisburg, West Virginia	\$ 22.20;
7.	Gabriel Perez of Miami Springs, Florida	\$ 47.84;
8.	Darryll Collins of Ona, West Virginia	\$ 25.80;
9.	Christine Fromenteau of Saint Brieuc, France	\$ 526.80;
10.	Mary Lou Bell of Avon, Indiana	\$ 185.49;
11.	Kathy Visentin of Ontario, Canada	\$ 124.85;
12.	Julie Moore of Houma, Louisiana	\$ 267.69;
13.	William Lawson of Honolulu, Hawaii	\$ 172.75;
14.	Alan A. Foster of Eastport, Maine	\$ 257.94;
15.	Phil Bailey of Denver, Colorado	\$ 64.95;
16.	Steve DeVries of Paeonian Springs, Virginia	\$ 225.00;

- |     |   |                   |
|-----|---|-------------------|
| 17. | Gerald Hickey of Mesa, Arizona          | \$ 205.00; and    |
| 18. | Rudy Raynes of Eleanor, West Virginia   | \$ 247.89; and    |
| 19. | Edward McAvoy of Clarksville, Tennessee | <u>\$ 215.36.</u> |


**Total: \$3,847.44**

- c. The Defendant shall pay the Office of the Attorney General, pursuant to Ind. Code § 24-5-0.5-4(c)(3), the amount of One Thousand Five Hundred Dollars (\$1,500.00), representing the Plaintiff's costs of investigating and prosecuting this action.
- d. The Defendant shall pay civil penalties, pursuant to Ind. Code § 24-5-0.5-4(g), for the Defendant's knowing violations of the Deceptive Consumer Sales Act, in the amount of Twenty-Two Thousand Dollars (\$22,000.00), payable to the State of Indiana.
- e. The Defendant shall pay civil penalties, pursuant to Ind. Code § 24-5-0.5-8, for the Defendant's intentional violations of the Deceptive Consumer Sales Act, in the amount of Eleven Thousand Dollars (\$11,000.00), payable to the State of Indiana.

**A total monetary judgment in the amount of Thirty-Eight Thousand Three Hundred Forty-Seven Dollars and Forty-Four Cents (\$38,347.44) shall therefore be entered in favor of the Plaintiff, State of Indiana, and against the Defendant, David F. Robbins, Jr., individually and doing business as Crossroads-Music.org.**

ALL ORDERED, ADJUDGED AND DECREED on this 18 day of

September, 2007.

  
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Judge, Boone Circuit Court *PT*

Distribution:

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